MT LEGISLATIVE HISTORY

Chapter 421 1975

Bill (H) 274 S _____ Original bill & hist. ___C

H. Committee on Labor and Employment		S. Committee on Labor and Employment	
Hearing Date(s) Feb 24	✓C	Hearing Date(s) Mar 19	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	Mar 19	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Note: Tony Softich offered the same testimony before both committees. For the sake of economy it was copied only once.

LC 0761

VINCENT

INTRODUCED BY House BILL NO. 274

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 41-2303, R.C.M. 1947, TO INCREASE THE MINIMUM WAGE FOR EMPLOYEES IN THE STATE OF MONTANA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-2303, R.C.M. 1947, is amended to read as follows:

"41-2303. Compensation. (a) Except as may otherwise be provided pursuant to this act, every employer shall pay to each of his employees wages at a rate not less than ~~one dollar sixty cents ($1.60)~~ two dollars ($2.00) an hour, save and except for farm workers as herein defined. ~~and students employed at an amusement or recreational establishment that operates on a seasonal basis, who shall be compensated at not less than the following rates, exclusive of gratuities:~~

~~(1) one dollar twenty cents ($1.20) an hour for the first year from the effective date of this act;~~

~~(2) one dollar forty cents ($1.40) an hour for the second year from the effective date of this act;~~

~~(3) one dollar sixty cents ($1.60) an hour for the third year from the effective date of this act and thereafter;~~

(b) No employer shall employ any of his employees for a work week longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at which he is employed. No overtime provision shall apply for farm workers. Employers of students at an amusement or recreational area that operates on a seasonal basis who furnish said students with board, lodging or other facilities shall not employ said students for a work week longer than forty-eight (48) hours, unless such students receive compensation for their employment in excess of forty-eight (48) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at which they are employed.

(c) In the case of a farm worker employed for a part of a calendar year which includes periods requiring working hours in excess of eight hours per day and other seasonal periods requiring working hours substantially less than eight hours per day the employer may pay the worker at a fixed rate of compensation during the term of employment. The employer may elect to: (1) keep a record of the total number of hours worked by the worker during the part of the year during which the worker was employed by him. The total wages paid by such employer to such employee for that part

of the year during which said employee was employed by him shall not be less than the applicable minimum wage rate multiplied by the total number of hours so worked, or (2) in lieu of the minimum wage set forth herein, pay the farm worker a wage as herein defined on a monthly basis. This monthly compensation shall constitute a minimum wage and shall not be less than ~~the following rates:~~ four hundred sixty dollars ($460) a month.

~~(a) two hundred eighty dollars ($280) a month for the first year from the effective date of this act;~~

~~(b) three hundred twenty five dollars ($325) a month for the second year from the effective date of this act;~~

~~(c) three hundred seventy five dollars ($375) a month for the third year from the effective date of this act."~~

-End-

STATE OF MONTANA

REQUEST NO. 105-75

FISCAL NOTE

Form BD-15

In compliance with a written request received 1-28, 19 75, there is hereby submitted a Fiscal Note for House Bill 274 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to increase the minimum wage paid to all employees except farm workers to $2.00 per hour and to increase the minimum wage for farm workers to $460 a month.

FISCAL IMPACT:

As there will be no state employees earning less than $2.00 per hour in FY 76 and FY 77, no increase in state expenditures is expected under the proposed amendments. No data can be compiled in the time allowed for a fiscal note with respect to local government employee earnings; however, it is assumed that the number earning less than $2.00 per hour is minimal. The greatest impact of HB 274 would appear to be on employers of farm workers in the private sector.

Michael S. Billings

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/1/75

maintaining a status quo. Mike Micone said that the majority of the cities are at their maximum mill levy.

In closing, Moore said that even if they had a bill allowing rights to negotiate, every MT League of Cities member would oppose it. He felt that asking for &$750 was not unreasonable. Travis asked if the gas tax money would be returned to the cities, and Mr. Holmes replied yes, but that it would be a minor amount, about $20,000 . He personally objected to this sort of money raising.

HB 274--SPONSOR: William Baeth, district 21, said this would establish a state minimum wage of $1.80 an hour for the first year of this enactment, and $2.00 an hour for the second year, or a minimum of $460 a month. The reason for this is the 20% rise in the cost of living. Proponent Tony Softich, Labor Standards Division, said that the fiscal impact would be minor, as local jobs are now covered under the federal minimum wage bill (see exhibit V). Mike Pichette,Democratic Party; Charlotte Posey, Communications Workers; and Don Judge, AFSCME, all supported the bill.

Socs Vratis, MT Retail Assn., remained neutral, only to say that job lay-offs may occur because of the enactment of this bill, especially in the "ma" and "pa" businesses. He said this would effect the part-time highschool and college student workers the most (see exhibit VI).

Under discussion, Ellerd said this would be opposed to those people who have to hire part-time help, especially in the livestock industry, and that more people are going to have to do without jobs because of this. The small employer would be effected the most. Ellis asked who this bill would cover and Softich replied that the state minimum wage law covers only those businesses grossing over $225,000.Sivertsen suggested that maybe they could tie this in with the productivity of the worker. He didn't know how they could measure this, without discriminating, but said they could base the wage of the amount of work done. Post commented that a person who is unproductive does not stay on the job very long anyway. Vratis clarified that the minimum wage would be $1.80 in 1975 and $2.00 in 1976.

There being no further testimony the committee went into executive discussion.

HB 274--BAETH MOVED HIS AMENDMENTS TO HB 274 DO PASS, SECONDED BY MAGONE. MOTION CARRIED WITH ALL IN FAVOR EXCEPT ELLERD, AND BABCOCK OPPOSED.

ELLERD MOVED HB 274 AS AMENDED DO NOT PASS, SECONDED BY BABCOCK.

BAETH MOVED A SUBSTITUTE MOTION HB 274 AS AMENDED DO PASS, SECONDED BY DASSINGER. MOTION CARRIED WITH ALL IN FAVOR EXCEPT ELLERD, GUTHRIE, BABCOCK AND SIVERTSEN OPPOSED.

HB 450--FEDERICO MOVED THOMSEN'S AMENDMENT CONCERNING THE DELETION OF PERSONS WITH RELIGIOUS COMMITTMENTS FROM THE BILL, SECONDED BY ELLERD, MOTION CARRIED UNANIMOUSLY.

FEDERICO MOVED TO ADOPT THE AMENDMENTS SUBMITTED BY ERNIE POST,

H 274

NAME Mike Pichette Bill No. H450

ADDRESS Box 802 Date 2/24/75

WHOM DO YOU REPRESENT? Democratic Party

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Proposed Amendments to HB 274

1. Amend page 1, Section 1, line 14.
   Strike: "two dollars ($2.00) an hour"
   Insert: "provided in subsections (1) and (2)

2. Amend page 1, Section 1, lines 19 and 20.
   Reinsert: (1) as follows:
   "(1) one dollar eighty cents ($1.80) an hour for the first year from the effective date of this act."

3. Amend page 1, Section 1, lines 21 and 22.
   Reinsert: (2) as follows:
   "(2) two dollars ($2.00) an hour for the second year from the effective date of this act and thereafter."

4. Amend page 3, Section 1, lines 7 and 8.
   Following: "than"
   Reinsert: "the following rates:"
   Strike: "four hundred sixty dollars ($460) a month."

5. Amend page 3, Section 1, lines 9 and 10.
   Reinsert: (a) as follows:
   "(a) four hundred twenty dollars ($420) a month for the first year from the effective date of this act;"

6. Amend page 3, Section 1, lines 11 and 12.
   Reinsert: (b) as follows:
   "(b) four hundred sixty dollars ($460) a month for the second year from the effective date of this act and thereafter."

MONTANA MINIMUM WAGE LAW AND REGULATIONS

DEPARTMENT OF LABOR & INDUSTRY
1331 Helena Avenue
Helena, Montana 59601

SIDNEY T. SMITH, Commissioner of Labor

July 1, 1971

UNITED STATES OF AMERICA,
State of Montana } ss.

I, FRANK MURRAY, Secretary of State of the State of Montana, do hereby certify that the following is a true and correct copy of House Bill No. 338, Chapter No. 417, Montana Session Laws of 1971, enacted by the Forty-second Session of the Legislative Assembly of the State of Montana, approved by Forrest H. Anderson, Governor of said State, on the eighteenth day of March, 1971, and effective on the first day of July, 1971.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State.

(Great Seal)

Done at the City of Helena, the Capital of said State, this eighteenth day of March, 1971.

(Signed) Frank Murray

Frank Murray
Secretary of State

3 REPORTER PRTG & SUPPLY CO.

CHAPTER NO. 417

MONTANA SESSION LAWS 1971

HOUSE BILL NO. 338

AN ACT TO ESTABLISH MINIMUM WAGES AND HOURS FOR EMPLOYEES IN THE STATE OF MONTANA; DELEGATING TO THE COMMISSIONER OF LABOR THE DUTY OF ADMINISTERING THE ACT; AND PROVIDING ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Declaration of policy. It is declared to be the policy of this act (1) to establish minimum wage and overtime compensation standards for workers at levels consistent with their health, efficiency, and general well-being; (2) to safeguard existing minimum wage and overtime compensation standards which are adequate to maintain the health, efficiency, and general well-being of workers against the unfair competition of wage and hour standards which do not provide such adequate standards of living; and (3) to sustain purchasing power and increase employment opportunities.

Section 2. Definitions. (a) As used in this act, "commissioner" means the Commissioner of Labor and Industry.

(b) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such allowance as may be permitted by regulations of the commissioner under Section 5 of this act. The term "wage" includes the reasonable cost to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees; provided however, that in no case shall such inclusion exceed an amount equal to forty percent (40%) of the total wage paid by such employer to such employee.

(c) "Employ" means to suffer or permit to work.

(d) "Employee" includes any individual employed by an employer

(d) INDIVIDUAL CONTRACTOR

There is "no definition that solves all problems as to the limitations of the employer-employee relationship" under the Act; the determination of the relation cannot be based on "isolated factors" or "upon a single characteristic or "technical concepts," but depends "upon the circumstances of the whole activity" including the underlying "economic reality." The factors which are considered significant, although no single one is regarded as controlling, are:

(1) the extent to which the services in question are in integral part of the employer's business;

(2) the amount of the alleged contractor's investment in facilities and equipment;

(3) the nature and degree of control by the principal;

(4) the alleged contractor's opportunities for profit and loss, and

(5) the amount of initiative, judgment, or forsight in open market competition with others required for the success of the claimed independent enterprise.

SECTION 3:

DEFINITION OF A STUDENT: One who is attending an accredited school, college or university and is employed on a part-time basis.

(a) SEASONAL AMUSEMENT OR RECREATIONAL ESTABLISHMENTS

An amusement or recreational establishment operating on a seasonal basis must comply with provisions of Section 3-(a) 1, 2, & 3, but may qualify as an exempt establishment from the $1.60 under Section 3-(a). Section 3-(1), (2), and (3) apply to "any student employed by an establishment, if (a) it does not operate for more than seven months in any calendar year. "Amusement or recreational establishments" as used in Section 3-(a) are establishments frequented by the public for its amusement or recreation and which are open 7 months or less a year. Typical examples of such are the concessionaires at amusement parks, resorts, and ski areas.

For Seasonal Amusement or Recreational establishments to be exempt from Section 3-(a) they must meet **all four** (4) of the following requirements:

(1) Must be amusement or recreational

(2) Must be a student in an accredited school

(3) Must be seasonal (7 months or less)

(4) Board and room must be furnished

(b) WORKWEEK

A workweek is a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods. The workweek need not coincide with the calendar week—it may begin any day of the week and any hour of the day. Each workweek stands alone. Employment for two or more workweeks cannot be averaged out for the sake of figuring overtime or minimum wages. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to evade the overtime requirements of the Act.

REGULAR RATE

The "regular rate" may be more than the minimum wage; it cannot be less. An employee's regular rate includes all payments made by the employer to or on behalf of that employee. Assuming that the employee receives no compensation other than that stated, here are some typical cases based, for example only, on a maximum workweek of 40 hours:

1. Hourly rate.—The regular rate of pay for an employee paid by the hour is his hourly rate. When he works more than 40 hours in a workweek, he is due at least 1½times his regular rate for each hour over 40.

EXAMPLE: An employee gets paid $1.60 an hour: this is his regular rate. If he worked a 44-hour workweek, he would be entitled to at least 1½ times $1.60, or $2.40, for each hour over 40. His pay for the week would be $64 for the first 40 hours plus $9.60 for the 4 hours overtime, or a total of $73.60.

2. Piece rate.—The regular rate for an employee paid on a piece-rate basis is obtained by dividing the total weekly earnings by the total number of hours worked in the same week. The employee is entitled to payment of one-half this regular rate for each hour over the 40th in addition to the full piecework earnings.

EXAMPLE: An employee is paid on a piecework basis. When he worked 45 hours in a week, his earnings came to $81. His regular rate of pay for that week was $1.80 ($81 divided by 45). In addition to his regular rate the employee is entitled to 90 cents (one-half his regular rate) for each hour over 40, or 5 times 90 cents for the 5 overtime hours. This $4.50 overtime premium brought his total earnings to $85.50.

Another way to compensate pieceworkers for overtime, where agreed upon in advance of performance of the work, is to pay 1½ times the piece rate for each piece produced during overtime hours. The piece rate must be the one actually paid during nonovertime hours and it must be enough to yield at least the minimum wage per hour.

EXAMPLE: An employee is paid 8 cents for each piece. In a week in which he worked 43 hours, he earned $68.40 for the first 40 hours at this rate. The employee's pay was piece and one-half, or 12 cents per piece produced in the overtime hours. Assuming he produced 65 pieces during the overtime, he was entitled to be paid $7.80 (65 times 12 cents) as overtime pay. Thus, he earned a total of $76.20 for the week.

3. Salaries.—The regular rate for an employee who is paid a salary for a regular or specified number of hours a week is obtained by dividing the weekly salary by the hours.

EXAMPLE: An employee is paid a salary of $80 for a 40-hour workweek. His regular rate of pay is $80 divided by 40 hours, or $2 an hour. When he works overtime he will be entitled to get 1½ times the $2, or $3 to reach hour over the 40th.

If under the employment agreement the salary is sufficient to meet the minimum wage requirements in every workweek is paid as straight time pay for whatever number of hours are worked in a workweek, the regular rate is obtained by dividing the salary by the hours worked each week. But the agreement with his employer is that he will be paid $100 a week for whatever number of hours of work are required. The longest workweek ever worked by him is 62 hours. Under this pay agreement, his regular rate will vary when he works overtime. If he works 50 hours, his regular rate is $2 an hour ($100 divided by 50 hours). In addition to his salary, he is due one-half the regular rate or $1 for each of the 10 overtime hours, or a total of $110 for the week. If he works 55 hours, his regular rate will be $1.82 an hour ($100 divided by 55). In that case, he will be due an additional 91 cents for each of the 15 overtime hours ($13.65 or a total of $113.65 for the week).

If a salary is paid on other than a weekly basis, the weekly pay must be determined in order to compute the regular rate and overtime. If the salary is for a half-month, it must be multiplied by 24 and the product divided by 52 weeks to get the weekly equivalent. A monthly salary should be multiplied by 12 and the product divided by 52.

WHAT "HOURS WORKED" MEANS

An employee subject to the act in any workweek must be paid in accordance with its provision for all hours worked in that workweek. In general, "hours worked" includes all the time an employee is required to be on duty or on the employer's premises or at a prescribed workplace, and all time during which he is suffered or permitted to work for the employer.

RECORD KEEPING

Every employer shall maintain and keep in or about the premises wherein any employee is employed, records containing the following information and data on each and every employee to whom the Wage and Hour Law apply.

1. Name in full, and also an identifying symbol or number if such is used in place

of or in addition to a name on any record kept by the employer relating to such employee.

2. Home address.

3. Date of birth.

4. Occupation in which employed.

5. Rate of pay and length of pay period.

6. Hours worked each workday and total hours worked each workweek.

7. Total daily or weekly straight-time earnings or wages.

8. Total weekly overtime compensation.

9. Total additions to or deductions from wages paid each pay period.

10. Total wages paid each pay period, date of payment, and pay period covered.

Such records shall be preserved by the employer for a period of at least 2 years.

SECTION 4:

(a) & (g) STUDENT-LEARNER

(1) A "student-learner" is a student who is receiving instruction in an accredited school, college or university and who is employed on a part-time basis, pursuant to a bona fide vocational training program. 2. A "bona fide vocational training program" is one authorized and approved by a State board of vocational education or other recognized educational body and provides for part-time employment training which may be scheduled for a part of the work day or work week, for alternating weeks or for other limited periods during the year, supplemented by and integrated with a definitely organized plan of instruction designed to teach technical knowledge and related industrial information given as a regular part of the student-learner's course by an accredited school, college or university.

Application for a special student-learner certificate: Whenever the employment of a student learner at wages lower than the minimum wage applicable under Section 4-(a) is believed necessary to prevent curtailment of opportunities for employment, an application for a special certificate authorizing the employment of such student-learner at subminimum wages shall be filed by the employer with the Commissioner of Labor.

A training program showing the hours of training in each skill to be specialized must accompany the application.

(f) HANDICAPPED WORKERS

Applications must be approved by Vocational Rehabilitation. Institutions caring for handicapped, or individuals must seek application from the Commissioner of Labor.

1. "Handicapped worker" or "worker" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury for the work he is to perform.

2. "Handicapped trainee" or "trainee" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is receiving or is scheduled to receive on-the-job training in industry under any vocational rehabilitation program administered by the Veterans Administration or an authorized vocational rehabilitation agency operation pursuant to the Vocational Rehabilitation Act.

(h) LEARNERS

Prior approval of programs must be made by filing the type of training program to be used furnishing any previous experience. Also the number of trainees will be limited according to the amount of total employees.

RECORD KEEPING REGULATIONS

1. Name in full. This shall be the same name as that used for Social Security purposes.

2. Home address, including zip code.

3. Sex and occupation in which employed (sex may be indicated by Mr., Mrs., or Miss).

4. Symbols or other identifications separately designating those employees who are members of the employer's immediate family, hand harvest laborers, and employees principally engaged in the range production of livestock.

5. For each employee, other than members of the employer's immediate family and harvest laborers, the number of man-days worked each week or each month. (A man-day is any day during which an employee does agricultural work for 1 hour or more.)

SECTION 4:

(j) EXECUTIVE

The term "employee employed in a bona fide executive capacity" shall mean any employee:

1. Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

2. Who customarily and regularly directs the work of two or more other employees therein; and

3. Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

4. Who customarily and regularly exercises discretionary powers; and

5. Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs 1 through 4 of this section:

PROVIDED; That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed.

ADMINISTRATIVE

The term "individual employed in a bona fide administrative capacity" shall mean any individual:

1. Whose primary duty consists of the performance of office or non-manual field work directly related to management policies or general business operations of his employer or his employer's customers, which includes work requiring the exercise of discretion and independent judgment; or

2. who customarily and regularly exercises discretion and independent judgment; and

3. (a) who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in this section), or (b) who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, (c) who executes under only general supervision special assignments or tasks; and (d) who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in subparagraphs (a) through (d) of this paragraph 3.

PROFESSIONAL

The term "individual employed in a bona fide professional capacity" shall mean any individual—

1. who is compensated for his services, and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor; or

2. who holds a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof; and (a) whose primary duty consists of

HB 450

NAME Charles Penny Bill No. 115 274

ADDRESS P.O. Box 862 Helena, Mont. Date 2/24/74

WHOM DO YOU REPRESENT? Communications Workers of America

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

comments:

It may seem surprising to some that Organized Labor is here supporting HB 274 - since it would seem highly unlikely that anyone would be represented by a Union would be working for a wage less than $2.00 per hr. at the present time.

When we see the cost of everything a working person has to buy increasing on day by day, this being in most cases, just bare necessities to exist. It surely could not be conceivable (even for any employer today to expect that this could be done on any less than a min. of $2.00 per hour.

I urge your support of this bill HB 274

Support HB 450

I do support this bill wholeheartedly. Not long ago within the last year, our Organization received a Election majority of the employees for a certain group of employees working for an insurance Carrier in Great Falls, Mont. The Employer refused to Bargain and after quite a lengthy

NAME Tom Schneider Bill No. HB274

ADDRESS P.O. Box 184 Date _____

WHOM DO YOU REPRESENT? Mt. Public Emp. Assoc.

SUPPORT XX OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

the performance of work, requiring knowledge of an advanced type in field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, (as distinguished from a general academic education, and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes) or, (b) original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination, or talent of the employee; and (c) whose work requires the consistent exercise of discretion and judgment in its performances; and (d) whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (e) who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in (a) through (e) of this paragraph.

EMPLOYEES COVERED BY FEDERAL LAW: Employees covered by the Federal Fair Labor Standards Act must be paid in accordance with the provisions of the Federal Act. Any employee not covered, or who is specifically excluded, or exempted by the Federal Fair Labor Standards Act, must be paid in accordance with the MONTANA MINIMUM WAGE ACT.

POSTER: Posting of notice in each work place in a conspicuous place, is required.

NAME Jack KRATZ Bill No. 274

ADDRESS P.O. Box 1440 Date 2-24-75

WHOM DO YOU REPRESENT? Montana Retail Assn

SUPPORT _____ OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Don Judge Bill No. HB 450 HB 274

ADDRESS 600 W. Cooke St, Helena Date 2-24-75

WHOM DO YOU REPRESENT? AFSCME MPA-CEA

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: HB 274. This is a housekeeping bill and is designed to provide changes made in the federal minimum wage act.

HB 450. This bill would end a form of discrimination which exists against employees of small employers. Large employers are covered under the NLRB, Public employers have a collective bargaining act, and now opportunity is provided to give all employees this privilege.

Exhibit VI
2-24-75

MONTANA RETAIL ASSOCIATION

GRANITE BLOCK • P. O. BOX 440 • HELENA, MONTANA 59601
SERVING THE TOTAL INTERESTS OF MONTANA RETAILERS

AREA CODE 406
442-3366

SUBJECT: HOUSE BILL 274

INCREASING THE MINIMUM WAGE
FOR EMPLOYEES IN THE STATE

Mr. Chairman, Members of this Honorable Committee:

My name is Socs Vratis, registered lobbyist of record for the Montana Retail Association.

I appear before this committee today not to oppose nor to support H.B. 274,but rather to suggest to this honorable committee that they carefully and diligently survey the unemployment situation in Montana today before acting on this piece of legislation.

I beg the committee's leave and indulgence in advising that with an unemployment factor of almost 11% current in Montana today, we need to proceed with extreme caution in order not to further swell the ranks of the unemployed.

I would suggest to you that the possibility does exist that further layoffs will occur on enactment of this legislation, particularly among the state's ma and pa business operations - - I refer to those having 2, 3 or 4 employees. I would further suggest to this honorable committee that perhaps the big loser, under the terms of this bill, will be the part-time high school

and college worker. It happened when the $1.60 minimum wage was enacted and I anticipate that it will happen if this legislation is enacted.

I am here to support the amendments to the bill which I had discussed with my friend and most worthy opponent, Ernie Post of the AFL-CIO and I would be appreciative of the committee's acceptance of those amendments.

Mr. Chairman, members of this honorable committee, again I would suggest that you proceed with utmost caution in the best interest of all of the people of the state of Montana. I am certain that this committee has the wisdom to do so.

In closing, Mr. Chairman and members of this committee, let me express my sincere appreciation to each of you for allowing me to share these thoughts with you today.

- - - - -

NAME Ernest Cook Bill No. HB 274 450

ADDRESS 1216 Hudson, Helena Date 2-24-75

WHOM DO YOU REPRESENT? MT State AFL-CIO

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

bill was amended to the Restaurant, Bars and Taverns Wage Protection Act of 1975. This bill will not raise a lot of money but it will help us keep up to $40,000 a year.

Jim Murry, of the AFL-CIO, appeared in support of this bill.

There were no questions of the committee.

CONSIDERATION OF HOUSE BILL 234: An act regulating the fees of private employment agencies; relating to employer interview requests to private employment agencies, relating to bonds for private employment agencies.

Representative Mular, sponsor of the bill, appeared before the committee to introduce this bill. This bill arose from HJR 58 that was passed in the last session.

Tony Softich, Administrator, of the Labor Standards Division, Department of Labor and Industry. HB 234 is a product of a sub-committee of the House of Representatives, Labor, Private Employment Agencies, and the Department of Labor and Industry. (See attached testimony.)

Jim Murry, Executive Secretary of the AFL-CIO, appeared in support of this bill. This bill attempts to regulate private employment agencies. (See attached testimony.)

Robert Helding, of the St. Regis Paper Company, appeared in support of HB 234.

Bud Clem, of the Montana Private Employment Association in Bozeman appeared in support of this bill as amended. Mr. Clem stated that this was one piece of legislation that everyone got together on and worked up a suitable arrangement.

There were no questions of the committee.

CONSIDERATION OF HOUSE BILL 274: An act to increase the minimum wage for employees in the state of Montana.

Representative Baeth, sponsor of the bill, appeared before the committee to introduce this bill. He then turned the testimony over to Jim Murry, of the AFL-CIO.

Jim Murry, of the AFL-CIO, appeared in support of this bill. Mr. Murry asked that the bill be amended back to the original amounts of minimum pay of $2.20 and $2.40 back to $1.80 and $2.00. (See attached testimony.)

Representative Menahan appeared in support of the bill but did not want to see it amended back. Representative Menahan amended the bill to $2.25 and $2.40 on the House floor. They raised the pay for the handicapped to $2.10 because the felt they were taking advantage of them. Well, I also feel that $1.80 and $2.00 is taking advantage of everyone else. The people who are against these rates of $2.20 and $2.40 would not think of living on this amount themselves. This is only fair to the poor people.

Tony Softich, Administrator, of the Labor Standards Division of the Department of Labor and Industry, appeared in support of this bill. (See attached testimony.)

Don Judge, AFSCME, AFL-CIO, appeared in support of this bill. It is necessary for us to come over to support wage increases for any employees.

Don Colburn appeared in support of HB 274

Everett Snortland, of the Montana Farm Bureau, agricultural workers don't really want to hire slave labor, most ranchers pay good wages. It is sometimes very hard to find good people. Ranching is a seasonal job and it is difficult to get the type of employees you would like. It it turning into man against machine. If a rancher is going to pay more than he can afford for help he is likely to invest that money into machines.

Fred Plummer, President of the Montana State Nursing Home in Missoula, appeared in opposition to this bill. Any increase above what we are paying now would be a difficult problem for nursing homes to meet. Mr. Plummer stated that his payroll presently exceeds $26,000. We would like to pay more but this is impossible.

Larry Huss, of the Montana Contractors Association, at this time stood up to clear up some false information that is being stated about him. It has been rumored that the National Federation of Independent Business Men have an attorney by the name of "Larry Huss" representing them. Mr. Huss wanted it known that he does not represent them.

Representative Baeth, in closing, that the 25% increase on page 4 would actually show a very slight increase.

Discussion was then held by the committee. At this point Senator Olson asked what the Federal minimum wage scale would be. Tony Softich stated that the amendments went into effect May 1, 1974. The increase in minimum wage rate for nonagricultural employees is not less than$1.90 an hour ending December, $2.00 January 1, 1975, $2.20 January 1, 1976 and then up to $2.30 Dec. 31 1976. (See attached Act.) Socs Varatis also presented a schedule of minimum wages. (See attached.)

DISPOSITION OF HOUSE BILL 274: Senator Blaylock moved to adopt the amendments. (See standing committee report.) Motion carried with Senator Mehrens opposed. Senator Blaylock them moved that HB 274 AND AS SO AMENDED BE CONCURRED IN, motion carried with Senator's Hazelbaker, Etchart and Olson opposed.

DISPOSITION OF HOUSE BILL 234: Senator Smith moved that HB 234 BE CONCURRED IN, motion carried unanimously.

DISPOSITION OF HOUSE BILL 260: Senator Smith moved that HB 260 BE CONCURRED IN, motion carried unanimously.

DISPOSITION OF HOUSE BILL 164: Senator Smith moved to adopt the amendments. (See standing committee report.) and that HB 164 AND AS SO AMENDED BE CONCURRED IN, motion carried unanimously.

ROLL CALL

LABOR AND EMPLOYMENT RELATIONS COMMITTEE

44th LEGISLATIVE SESSION 1975

Date 3-19-75

NAME	PRESENT	ABSENT	EXCUSED
Senator Robert Lee, Chairman	✓		
Senator Richard Smith, V.Chmn.	✓		
Senator Chet Blaylock	✓		
Senator Mark Etchart	✓		
Senator Frank Hazelbaker	✓		
Senator John Mehrens	✓		
Senator Bill Norman	✓		
Senator S. A. Olson	✓		

Each day attach to minutes

HOUSE 164 260 234 274 SENATE Labor & Employment COMMITTEE

BILL 274 VISITORS' REGISTER DATE 3-19-75

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
Leon Judge	HESCME AFL-CIO	HB 164 HB 274	✓	
Rep Wm Keith	Name request	HB 260	✓	
Rep L.T. MULAR	Hse	HB 234		
Rep B.B. Kelly		260		
Lon Scott	Montana Education Assn	274	Support as amended	
Emmett Smethurst	Montana Farm Bureau	274		oppose
[illegible]	Empl for Env	260	✓	
Phil Strope	MICA	274	Support as amended	
Fred A Plummer	MNHA	274	Support as amended	
Bill Pitt	Dept of Fish & Game	164 234 274	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

STATE AFL-CIO
APRIL 29 1936

Box 1176, Helena, Montana
ZIP CODE 59601

JAMES W. MURRY
EXECUTIVE SECRETARY

LUNDY SHOPPING CENTER
MISSOULA HIGHWAY

REMARKS OF JAMES W. MURRY ON HOUSE BILL 274, HEARINGS OF THE SENATE LABOR COMMITTEE, MARCH 19, 1975

Mr. Chairman and members of the committee, this legislation like all minimum wage legislation recognizes that times change, that costs rise and that the lowest paid among us need assistance to live decent lives.

To take just one part of that, let us point out that in the past two years the rate of inflation has risen almost 27 percent, according to the Bureau of Labor Statistics, and the increase in the cost of living in the past year alone exceeded 12½ percent.

As you can see from the bill before you, the House of Representatives amended the minimum up to $2.20 and $2.40 from the introduced bill. It is with no little hesitation that we ask you to amend it back to its original intent of $1.80 an hour on July 1 this year and $2.00 on July 1, 1976.

The reason we do that is that an increase as large as the House amended version gives, risks hurting those we seek to help. The entire increase in the original version of the bill is about 25 percent over the biennium -- or relatively in line with the rise in the cost of living we've experienced recently.

We realize that it will be hard but possible for marginal businesses to absorb the 40 cent increase in the minimum wage over the next two years, but it would be almost impossible for them to absorb twice that much. Thus the larger increase, we sincerely feel, although made with nothing but good intentions, goes a little bit far.

There is a pressing need, in view of the disastrous national economy to increase the state minimum wage. But the Legislature must do it responsibly and with care to see that jobs are not lost in the process.

So we urge you to amend House Bill 274 and as amended recommend concurrence of the Senate.

PRINTED ON UNION MADE PAPER

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE I AM TONY SOFTICH, ADMINISTRATOR OF THE LABOR STANDARDS DIVISION.

I APPEAR IN SUPPORT OF HOUSE BILL 274.

IN THESE DAYS OF INFLATION OUR LOWEST PAID WORKERS HAVE NOT HAD AN INCREASE SINCE WE ENACTED THE MINIMUM WAGE AND HOUR LAW IN 1971, AND EVEN TODAY WE ARE FINDING MANY EMPLOYERS NOT PAYING THE MINIMUM OF $1.60 PER HOUR, YET THESE EMPLOYEES ARE FACED WITH THE SAME COST OF LIVING AS YOU AND I.

HOUSE BILL 274 IS VERY MODEST WHEN WE COMPARE THE FAIR LABOR STANDARDS ACT, EMPLOYEES WAGES UNDER THE COVERAGE ARE $2.00 PER HOUR FOR THE LOWEST UP TO $2.30 PER HOUR, AND IN THE FARM SECTOR $1.80 PER HOUR NOW AND $2.00 PER HOUR IN 1976, UP TO $2.30 PER HOUR BEGINNING IN 1978.

PRESENTLY WE HAVE TWO (2) STATES THAT HAVE COME UP TO $1.80 PER HOUR, ONE (1) STATE $1.85, ONE (1) $1.88, ONE (1) $1.90, FIVE (5) STATES $2.00, FOUR (4) STATES $2.10 AND ONE (1) STATE $2.11, EIGHTEEN (18) STATES IN ALL, NOT COUNTING HAWAII WHERE THE MINIMUM IS $2.40.

IN A RECENT SPEECH BY UNDER SECRETARY OF LABOR, RICHARD SCHUBERT, HE SAID BEFORE THE NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, QUOTE: "GIVEN THE NATURE OF MODERN AMERICAN AGRICULTURAL PRODUCTION, THERE JUST DOESN'T SEEM TO BE ANY JUSTIFICATION FOR CONTINUING THE POLICY OF EXEMPTING AGRICULTURAL WORKERS FROM A WHOLE RANGE OF LEGAL PROTECTION AND GUARANTEES." HE FURTHER STATED: "MANAGING CHANGE IS NEITHER EASY NOR PAINLESS, BUT IT IS THE ONLY COURSE THAT CAN

PROMISE THE GREATEST AMOUNT OF PROGRESS WITH THE LEAST AMOUNT OF FRICTION AND THE MOST BENEFIT FOR A HUNGRY WORLD." END QUOTE.

YOU WILL PROBABLY HEAR THAT TO INCREASE THE MINIMUM WAGE WILL FORCE MANY BUSINESS TO CLOSE, JUST AS WE DID IN 1971.

THERE HAVE BEEN SEVERAL BUSINESSES THAT CLOSED AND HUNG A SIGN ON THEIR DOOR THAT MINIMUM WAGED FORCED THEM TO DO SO, BUT WHEN WE INVESTIGATED WE FOUND IT WAS MISMANAGEMENT AND ONLY A FEW PART-TIME WORKERS WERE EVER EMPLOYED.

I FEEL MONTANA IS WAY OVERDUE FOR AN INCREASE OF THE MINIMUM WAGE AND I URGE YOUR SUPPORT FOR HOUSE BILL 274.

Public Law 93-259
93rd Congress, S. 2747
April 8, 1974

An Act

To amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that Act, to expand the coverage of the Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fair Labor Standards Amendments of 1974.

SHORT TITLE; REFERENCES TO ACT

29 USC 203 note

SECTION 1. (a) This Act may be cited as the "Fair Labor Standards Amendments of 1974".

(b) Unless otherwise specified, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the section or other provision amended or repealed is a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201-219).

52 Stat. 1060.

INCREASE IN MINIMUM WAGE RATE FOR EMPLOYEES COVERED BEFORE 1966

88 Stat. 938.
29 USC 206.

SEC. 2. Section 6(a)(1) is amended to read as follows:

"(1) not less than $2 an hour during the period ending December 31, 1974, not less than $2.10 an hour during the year beginning January 1, 1975, and not less than $2.30 an hour after December 31, 1975, except as otherwise provided in this section;".

INCREASE IN MINIMUM WAGE RATE FOR NONAGRICULTURAL EMPLOYEES COVERED IN 1966 AND 1974

86 Stat. 373.
29 USC 206.

SEC. 3. Section 6(b) is amended (1) by inserting ", title IX of the Education Amendments of 1972, or the Fair Labor Standards Amendments of 1974" after "1966", and (2) by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) not less than $1.90 an hour during the period ending December 31, 1974,

"(2) not less than $2 an hour during the year beginning January 1, 1975,

"(3) not less than $2.20 an hour during the year beginning January 1, 1976, and

"(4) not less than $2.30 an hour after December 31, 1976."

88 Stat. 55
88 Stat. 56

INCREASE IN MINIMUM WAGE RATE FOR AGRICULTURAL EMPLOYEES

SEC. 4. Section 6(a)(5) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than—

"(A) $1.60 an hour during the period ending December 31, 1974,

"(B) $1.80 an hour during the year beginning January 1, 1975,

"(C) $2 an hour during the year beginning January 1, 1976,

"(D) $2.20 an hour during the year beginning January 1, 1977, and

"(E) $2.30 an hour after December 31, 1977."

INCREASE IN MINIMUM WAGE RATES FOR EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

88 Stat. 61.

SEC. 5. (a) Section 5 is amended by adding at the end thereof the following new subsection:

Store "B", with a volume of $190,000, will lose its exemption on January 1, 1977, the date when the volume test is completely removed.

Minimum Wages

Under the 1974 FLSA amendments, retailers will have to pay minimum wages as follows:

Covered Prior to 1966 Amendments

May 1, 1974 -	December 31, 1974	$2.00 an hour
January 1, 1975 -	December 31, 1975	$2.10 an hour
January 1, 1976		$2.30 an hour

Covered by the 1966 and 1974 Amendments

May 1, 1974 -	December 31, 1974	$1.90 an hour
January 1, 1975 -	December 31, 1975	$2.00 an hour
January 1, 1976 -	December 31, 1976	$2.20 an hour
January 1, 1977		$2.30 an hour

Note that an establishment whose exemption is being phased out, i.e., establishment "A" in the preceding section, whose volume is $230,000, must start paying $2.00 an hour when it is covered on January 1, 1975. "B" whose volume is $190,000, must start paying $2.30 an hour when it is covered on January 1, 1977.

If an employee is paid an hourly rate, there is no difficulty in determining whether he is paid the legal minimum or not. If he is paid on a weekly basis, the salary for that week, divided by the number of hours worked during that week, will determine his hourly rate (but see below for overtime).

Maximum Hours

The law establishes the number of hours of work a week beyond which overtime must be paid at time and one half the employee's regular rate of pay. For covered employees, except food service employees, overtime is required after 40 hours. See Food Service section for new overtime requirements.

Overtime

Overtime is based on the employee's regular rate. Regular rate is defined in the law as "all remuneration for employment paid to, or on behalf of, the employee," but does not include (1) sums paid as gifts or payments in the nature of gifts made at Christmas or on special occasions as a reward of service where the amounts are not measured by or dependent upon hours worked, production or efficiency, (2) payments for vacations, holidays, illness, holidays when no work is performed, reasonable payments for traveling expenses and similar payments which are not made as compensation for hours of employment; (3) discretionary bonuses, profit-sharing plan payments if they conform to standards laid down by the Secretary of Labor; (4) contributions by an employer to a trustee or third person, of a bona fide old age retirement or insurance plan. It also does not include extra compensation, such as premium pay for Sunday and holiday work.

If the employee is paid an hourly rate, the computation of overtime is simple: if he receives $2.50 an hour during the first year, he must be paid $3.75 for each hour worked in excess of 40 hours a week.

If an employee is paid a weekly salary, with the understanding that his hours will vary, his regular rate is the weekly salary divided by the number of hours worked in that week. Thus, if an employee is paid $125 a week and works 50 hours, his regular rate is $2.50 an hour. This employee must be paid overtime for all hours in excess of 40 during the first year. But since he has already been paid his regular rate for those ten overtime hours, his overtime rate for that week is $1.25 an hour. If, in the next week he works only 48 hours, his regular rate will be $2.60 and his overtime rate $1.30 for the eight overtime hours. It is important to note, however, that in cases of straight salary, and a variable work week, the regular rate must in all cases meet the required minimum wage.

Jump to Page 7

Payment of Wages

In almost all cases, the week is the measure of payment of minimum wages and overtime. (The exception, in the case of highly paid commission salesmen, will be discussed later.) In each week an employee must be paid, or be entitled to receive, an amount equal at least to the minimum wage for each hour worked, plus any overtime payment due. (It is not necessary to pay weekly.) For example, when the required minimum is $2.00 an hour, an employee who works a 40 hour week must be entitled to receive $80 for that week, less, of course, lawful deductions for withholding, social security, etc.

Averaging from week to week is considered a violation of the law. For example, when the required minimum is $2.00, an employee may be paid $70 a week plus a small commission on sales, for a 40 hour week. If the commission amounts to $10.00 or more, the law is satisfied. If the commission amounts to less than $10.00, the employer must make up the difference. However, if the commissions should amount to, say, $12.00 in one week, the extra $2.00 could not be held over to be credited to the employee in the next week, in case the employee did not make the necessary $10.00 in commissions in that week.

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-15 Time Bill No. 274

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens		✓
Senator Bill Norman	✓	
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Blaylock moved to adopt the amendments (See Standing Committee Report) Motion carried with Senator Mehrens voting in opposition

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-25 House Bill No. 374 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart		✓
Senator Frank Hazelbaker		✓
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson		✓

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Sen. Blaylock moved that HB 374 Int As S. Amended Be Concurred In. Motion carried on the Senators Etchart, Olson & Hazelbaker 3 to 3

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 19, 19 75

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 274

Respectfully report as follows: That HOUSE Bill No. 274
third reading copy, be amended as follows:

1. Amend page 2, section 1, line 6.
   Following: "~~($1.00)~~"
   Strike: "TWO DOLLARS TWENTY-FIVE CENT ($2.25)"
   Insert: "One dollar eighty cents ($1.80)"

2. Amend page 2, section 1, line 9.
   Following: "~~($2.00)~~"
   Strike: "TWO DOLLARS FORTY CENTS ($2.40)"
   Insert: "Two dollars ($2.00)"

DO ~~NOT~~ PASS
AND AS SO AMENDED, BE CONCURRED IN

Robert E. Lee, Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 274

INTRODUCED BY W. BAETH, DASSINGER, TRAVIS, KELLY, KIMBLE, KENDALL, KUMMERFELDT, MAGONE, GILLIGAN, GUNDERSON, MCKITTRICK, SCULLY, FLEMING, LUEBECK, LYNCH, JOHNSON, HELMBRECHT, BRAND, SHELDEN, TROPILA, QUILICI, MULAR, MENAHAN, KANDUCH, HERLEVI, VINCENT, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 41-2303, R.C.M. 1947, TO INCREASE THE MINIMUM WAGE FOR EMPLOYEES IN THE STATE OF MONTANA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-2303, R.C.M. 1947, is amended to read as follows:

"41-2303. Compensation. (a) Except as may otherwise be provided pursuant to this act, every employer shall pay to each of his employees wages at a rate not less than ~~one dollar-sixty-cents-($1.60) two--dollars--($2.00) an--hour,~~ PROVIDED IN SUBSECTIONS (1) AND (2) save and except for farm workers as herein defined. ~~and--students--employed-at-an amusement-or-recreational-establishment-that-operates--on--a seasonal--basis,--who--shall-be-compensated-at-not-less-than the-following-rates,-exclusive-of-gratuities:~~

~~(1)-one-dollar-twenty-cents-($1.20)--an--hour--for--the first-year-from-the-effective-date-of-this-act.~~

~~(2)-one-dollar-forty-cents--($1.40)--an--hour--for--the second-year-from-the-effective-date-of-this-act.~~

~~(3)--one--dollar--sixty--cents--($1.60)-an-hour-for-the third--year--from--the--effective--date--of--this--act---and thereafter.~~

(1) ~~ONE---DOLLAR--EIGHTY--CENTS--($1.80)~~ ~~TWO--DOLLARS TWENTY-FIVE-CENTS-($2.25)~~ ONE DOLLAR EIGHTY CENTS ($1.80) AN HOUR FOR THE FIRST YEAR FROM THE EFFECTIVE DATE OF THIS ACT;

(2) ~~TWO--DOLLARS--($2.00)~~ ~~TWO--DOLLARS--FORTY---CENTS ($2.40)~~ TWO DOLLARS ($2.00) AN HOUR FOR THE SECOND YEAR FROM THE EFFECTIVE DATE OF THIS ACT AND THEREAFTER.

(b) No employer shall employ any of his employees for a work week longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at which he is employed. No overtime provision shall apply for farm workers. Employers of students at an amusement or recreational area that operates on a seasonal basis who furnish said students with board, lodging or other facilities shall not employ said students for a work week longer than forty-eight (48) hours, unless such students receive compensation for their employment in excess of forty-eight (48) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at

REFERENCE BILL

which they are employed.

(c) In the case of a farm worker employed for a part of a calendar year which includes periods requiring working hours in excess of eight hours per day and other seasonal periods requiring working hours substantially less than eight hours per day the employer may pay the worker at a fixed rate of compensation during the term of employment. The employer may elect to: (1) keep a record of the total number of hours worked by the worker during the part of the year during which the worker was employed by him. The total wages paid by such employer to such employee for that part of the year during which said employee was employed by him shall not be less than the applicable minimum wage rate multiplied by the total number of hours so worked, or (2) in lieu of the minimum wage set forth herein, pay the farm worker a wage as herein defined on a monthly basis. This monthly compensation shall constitute a minimum wage and shall not be less than ~~the following rates: four hundred sixty dollars ($460) a month:~~ THE FOLLOWING RATES:

~~(a) two hundred eighty dollars ($280) a month for the first year from the effective date of this act;~~

~~(b) three hundred twenty five dollars ($325) a month for the second year from the effective date of this act;~~

~~(c) three hundred seventy five dollars ($375) a month for the third year from the effective date of this act.~~

(1) FOUR HUNDRED TWENTY DOLLARS ($420) A MONTH FOR THE FIRST YEAR FROM THE EFFECTIVE DATE OF THIS ACT;

(2) FOUR HUNDRED SIXTY DOLLARS ($460) A MONTH FOR THE SECOND YEAR FROM THE EFFECTIVE DATE OF THIS ACT AND THEREAFTER."

-End-